

42 - THE BOOK OF WATERING

٤٢ - كتاب المساقاة

CHAPTER. The Statement of Allāh تعالى: "... And We have made from water every living thing. Will they not then believe." (V.21:30)

And His Statement: "Then tell me about the water that you drink. Is it you who cause it from the rainclouds to come down, or are We the Causer of it to come down? If We willed, We verily could make it salt (and undrinkable), why then do you not give thanks (to Allāh)?" (V.56:68-70).

(1) CHAPTER. Whoever thinks that giving water in charity, or as a gift or by way of a testament is permissible, whether it is divided or not.⁽¹⁾

Narrated 'Uthmān رضي الله عنه: The Prophet ﷺ said, "Who will buy the well of Rūmah (a well-known well in Al-Madīna) (and endow it for the good of Muslims) so that he may use it as the other Muslims do without any privilege?" 'Uthmān رضي الله عنه bought it.

2351. Narrated Sahl bin Sa'd رضي الله عنه: A tumbler (full of milk or water) was brought to the Prophet ﷺ who drank from it, while on his right side there was sitting a boy who was the youngest of those who were present, and on his left side there were old men. The Prophet ﷺ asked, "O boy, will you allow me to give it (i.e., the rest of the drink) to the old men?" The boy said, "O Allāh's Messenger! I will not give preference to anyone over me to drink the rest of it from which you have

باب في الشرب وقول الله تعالى: ﴿وَجَعَلْنَا مِنَ الْمَاءِ كُلَّ شَيْءٍ حَيٍّ أَفَلَا يُؤْمِنُونَ﴾ [الأنبياء: ٣٠] وقوله جَلَّ ذِكْرُهُ: ﴿أَفَرَأَيْتُمُ الْمَاءَ الَّذِي شَرَبْتُمْ﴾ ٦٧ ﴿أَنْتُمْ أَنْزَلْتُمُوهُ مِنَ الْمُزْنِ أَمْ نَحْنُ الْمُنزِلُونَ﴾ ٦٨ ﴿لَوْ نَشَاءُ جَعَلْنَاهُ أُجَاجًا فَلَوْلَا تَشْكُرُونَ﴾ ٦٩ [الواقعة: ٦٨-٧٠] ﴿أُجَاجًا﴾: مُضْبَبًا ﴿الْمُرْنِ﴾: السحاب ﴿فُرَاتًا﴾: عَذْبًا.

(١) باب من رأى صدقة الماء وهبته ووصيته جائزة، مقسوماً كان أو غير مقسوم

وقال عثمان: قال النبي ﷺ: «من يشتري بئر رومة فيكون دلوه فيها كدلاء المسلمين؟ فاشتراها عثمان رضي الله عنه».

٢٣٥١ - حَدَّثَنَا سَعِيدُ بْنُ أَبِي مَرْيَمَ: حَدَّثَنَا أَبُو عَسَانَ قَالَ: حَدَّثَنِي أَبُو حَازِمٍ. عَنْ سَهْلِ بْنِ سَعْدٍ رَضِيَ اللَّهُ عَنْهُ قَالَ: أَتَى النَّبِيَّ ﷺ بِقَدَحٍ فَشَرِبَ مِنْهُ وَعَنْ يَمِينِهِ غُلامٌ أَصْعَرُ الْقَوْمِ وَالْأَشْيَاحُ عَنْ يَسَارِهِ، فَقَالَ: «يَا غُلامُ، أَتَأْذَنُ لِي أَنْ أُعْطِيَهُ الْأَشْيَاحُ؟» قَالَ: مَا كُنْتُ لِأَوْثَرَ

(1) (Ch. 1) *Al-Bukhārī* wants to refute the opinions of those who think that water cannot be possessed. (*Fath Al-Bārī*).

drunk." So, the Prophet ﷺ gave it to him.

بِفَضْلِي مِنْكَ أَحَدًا يَا رَسُولَ اللَّهِ، فَأَعْطَاهُ إِيَّاهُ. [انظر: ٢٣٦٦، ٢٤٥١،

٢٦٠٢، ٥٦٢٠]

2352. Narrated Az-Zuhri : Anas bin Mālik رضي الله عنه said that once a domestic sheep was milked for Allāh's Messenger ﷺ while he was in the house of Anas bin Mālik. The milk was mixed with water drawn from the well in Anas' house. A tumbler of it was presented to Allāh's Messenger ﷺ who drank from it. Then Abū Bakr was sitting on his left side and a bedouin on his right side. When the Prophet ﷺ removed the tumbler from his mouth, 'Umar was afraid that the Prophet ﷺ might give it to the bedouin, so he said, "O Allāh's Messenger! Give it to Abū Bakr who is sitting by your side." But the Prophet ﷺ gave it to the bedouin, who was to his right and said, "You should start with the one on your right side."

٢٣٥٢ - حَدَّثَنَا أَبُو الْيَمَانِ :

أَخْبَرَنَا شُعَيْبٌ، عَنِ الزُّهْرِيِّ قَالَ : حَدَّثَنِي أَنَسُ بْنُ مَالِكٍ رَضِيَ اللَّهُ عَنْهُ : أَنَّهُ حَلَبَتْ لِرَسُولِ اللَّهِ ﷺ شَاةٌ دَاجِحٌ وَهِيَ فِي دَارِ أَنَسِ بْنِ مَالِكٍ .

وَشِيبَ لَبَنُهَا بِمَاءٍ مِنَ الْبَيْتِ الَّتِي فِي دَارِ أَنَسٍ، فَأَعْطَى رَسُولُ اللَّهِ ﷺ الْقَدَحَ فَشَرِبَ مِنْهُ حَتَّى إِذَا نَزَعَ الْقَدَحَ عَنْ فِيهِ وَعَلَى يَسَارِهِ أَبُو بَكْرٍ، وَعَنْ يَمِينِهِ أُعْرَابِيٌّ. فَقَالَ عُمَرُ وَخَافَ أَنْ يُعْطِيَهُ الْأَعْرَابِيُّ : أَعْطَى أَبَا بَكْرٍ يَا رَسُولَ اللَّهِ ﷺ عِنْدَكَ، فَأَعْطَاهُ الْأَعْرَابِيُّ الَّذِي عَنْ يَمِينِهِ، ثُمَّ قَالَ : «الْأَيْمَنَ فَالْأَيْمَنَ» . [انظر: ٢٥٧١، ٥٦١٢،

٥٦١٩]

(2) CHAPTER. Whoever said, "The owner of the water has the right to drink till he is satisfied, as the Prophet ﷺ said, 'Superfluous water should not be withheld from others.'"

(٢) بَابٌ مَنْ قَالَ : إِنَّ صَاحِبَ الْمَاءِ أَحَقُّ بِالْمَاءِ حَتَّى يَرَوْى لِقَوْلِ النَّبِيِّ ﷺ : لَا يُمْنَعُ فَضْلُ الْمَاءِ

2353. Narrated Abū Hurairah رضي الله عنه : Allāh's Messenger ﷺ said, "Do not withhold the superfluous water, for that will prevent people from grazing their cattle."⁽¹⁾

٢٣٥٣ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ

يُوسُفَ : أَخْبَرَنَا مَالِكٌ، عَنْ أَبِي الرَّزَّادِ، عَنِ الْأَعْرَجِ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ : أَنَّ رَسُولَ اللَّهِ ﷺ

(1) (H. 2353) This *Hadith* means that if one has a well near which there is a pasture and there is no other source of water in the area, one should not withhold the water from the sheep grazing there, for that would make it impossible for the sheep to graze there as they would be in great need of water after grazing. So, to withhold the water means to prevent sheep from grazing as well. (*Fath Al-Bārī*).

قَالَ: «لَا يُمْنَعُ فَضْلُ الْمَاءِ لِيُمْنَعَ بِهِ الْكَلْبُ». [انظر: ٢٣٥٤، ٦٩٦٢]

2354. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ that Allāh's Messenger ﷺ said, "Do not withhold the superfluous water in order to withhold the superfluous grass."

٢٣٥٤ - حَدَّثَنَا يَحْيَى بْنُ بُكَيْرٍ: حَدَّثَنَا اللَّيْثُ عَنْ عُقَيْلٍ، عَنِ ابْنِ شِهَابٍ، عَنِ ابْنِ الْمُسَيَّبِ وَأَبِي سَلَمَةَ عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ: أَنَّ رَسُولَ اللهِ ﷺ قَالَ: «لَا تَمْنَعُوا فَضْلَ الْمَاءِ لِيَتَمْنَعُوا بِهِ فَضْلَ الْكَلْبِ». [راجع: ٢٣٥٣]

(3) CHAPTER. If one digs a well in his own land and somebody falls in it and dies, the owner is not responsible.

(٣) بَابٌ مَنْ حَفَرَ بَيْتْرًا فِي مِلْكِهِ لَمْ يَضْمَنْ

2355. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: Allāh's Messenger ﷺ said, "No blood-money will be charged if somebody dies in a mine, or in a well, or is killed by an animal; and if somebody finds a treasure in his land he has to give one-fifth of it to the government."⁽¹⁾

٢٣٥٥ - حَدَّثَنِي مَحْمُودٌ: أَخْبَرَنِي عَبْدُ اللهِ، عَنْ إِسْرَائِيلَ، عَنْ أَبِي حَصِينٍ، عَنْ أَبِي صَالِحٍ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ قَالَ: قَالَ رَسُولُ اللهِ ﷺ: «الْمَعْدِنُ جُبَارٌ، وَالْبَيْتْرُ جُبَارٌ، وَالْعَجْمَاءُ جُبَارٌ، وَفِي الرِّكَازِ الْخُمْسُ». [راجع: ١٤٩٩]

(4) CHAPTER. Disputes and controversies about wells and the settlement of such disputes and controversies.

(٤) بَابُ الْخُصُومَةِ فِي الْبَيْتْرِ وَالْقَضَاءِ فِيهَا

2356, 2357. Narrated 'Abdullāh (bin Mas'ūd) رَضِيَ اللهُ عَنْهُ: The Prophet ﷺ said, "Whoever takes a false oath to deprive somebody of his property will meet Allāh while He will be angry with him."

٢٣٥٦، ٢٣٥٧ - حَدَّثَنَا عَبْدَانُ، عَنْ أَبِي حَمْزَةَ، عَنِ الْأَعْمَشِ، عَنْ شَقِيقٍ، عَنِ عَبْدِ اللهِ رَضِيَ اللهُ عَنْهُ عَنِ النَّبِيِّ ﷺ قَالَ: «مَنْ حَلَفَ عَلَى

Allāh revealed: "Verily, those who

(1) (H. 2355) The owner of the well is not responsible if somebody falls and dies in it, if the well is in his land or in uncultivated land belonging to nobody. (This is true concerning mines also.) But if the well is dug on the way of the Muslims or in the land of somebody else without his permission and somebody falls and dies in it, then the person who has dug the well has to pay blood-money. If an animal has untied itself and kills somebody or spoils his property, the owner of the animal is not responsible unless he is present at the time of the accident. (Al-Qastalānī)

purchase a small gain at the cost of Allāh's Covenant, and their oaths..." (V.3:77)

Al-Ash'ath came (to the place where 'Abdullāh was narrating) and said, "What has Abū 'Abdur-Rahmān (i.e., 'Abdullāh) been telling you? This Verse was revealed concerning me. I had a well in the land of a cousin of mine. The Prophet ﷺ asked me to bring witnesses (to confirm my claim). I said, 'I do not have witnesses.' He said, 'Let the defendant take an oath then.' I said, 'O Allāh's Messenger! He will take a (false) oath immediately.' Then the Prophet ﷺ mentioned the above narration and Allāh revealed the Verse to confirm what he had said." (See *Hadith* No.2515, 2516)

يَمِينٍ يَقْتَطِعُ بِهَا مَالَ امْرِئٍ مُسْلِمٍ هُوَ عَلَيْهَا فَاجِرٌ، لَقِيَ اللَّهَ وَهُوَ عَلَيْهِ غَضَبَانُ، فَأَنْزَلَ اللَّهُ تَعَالَى ﴿إِنَّ الَّذِينَ يَشْتَرُونَ بِعَهْدِ اللَّهِ وَأَيْمَانِهِمْ ثَمَنًا قَلِيلًا﴾ الْآيَةَ [آل عمران: ٧٧]. فَجَاءَ الْأَشْعَثُ فَقَالَ: مَا حَدَّثَكُمْ أَبُو عَبْدِ الرَّحْمَنِ؟ فِي أَنْزَلْتَ هَذِهِ الْآيَةَ. كَانَتْ لِي بئرٌ فِي أَرْضِ ابْنِ عَمِّ لِي، فَقَالَ لِي: «شُهِودَكَ» قُلْتُ: مَا لِي شُهودٌ، قَالَ: «فِيمَنَّهُ»، قُلْتُ: يَا رَسُولَ اللَّهِ إِذَا يَحْلِفَ، فَذَكَرَ النَّبِيَّ ﷺ هَذَا الْحَدِيثَ، فَأَنْزَلَ اللَّهُ ذَلِكَ تَصَدِيقًا لَهُ». [الحدِيث: ٢٣٥٦، انظر: ٢٤١٦، ٢٥١٥، ٢٦٦٦، ٢٦٦٩، ٢٦٧٣، ٢٦٧٦، ٤٥٤٩، ٦٦٥٩، ٦٦٧٦، ٧١٨٣، ٧٤٤٥؛ [الحدِيث: ٢٣٥٧، انظر: ٢٤١٧، ٢٥١٦، ٢٦٦٧، ٢٦٧٠، ٢٦٧٧، ٤٥٥٠، ٦٦٦٠، ٦٦٧٧، ٧١٨٤]

(5) CHAPTER. The sin of him who withholds water from wayfarer and travellers.

2358. Narrated Abū Hurairah رَضِيَ اللَّهُ عَنْهُ: Allāh's Messenger ﷺ said, "There are three types of people whom Allāh will neither look at them on the Day of Resurrection, nor will he purify them (from sins) and they shall have a painful torment. They are:

1. A man possessed superfluous water, on a way and he withheld it from travellers.
2. A man who gave a *Bai'a* (pledge) to a ruler and he gave it only for worldly benefits. If the ruler gives him something he gets satisfied, and if the ruler withholds

(٥) بَابُ إِثْمِ مَنْ مَنَعَ ابْنَ السَّبِيلِ مِنَ الْمَاءِ

٢٣٥٨ - حَدَّثَنَا مُوسَى بْنُ إِسْمَاعِيلَ: حَدَّثَنَا عَبْدُ الْوَاحِدِ بْنُ زِيَادٍ، عَنِ الْأَعْمَشِ قَالَ: سَمِعْتُ أَبَا صَالِحٍ يَقُولُ: سَمِعْتُ أَبَا هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ يَقُولُ: قَالَ رَسُولُ اللَّهِ ﷺ: «ثَلَاثَةٌ لَا يَنْظُرُ اللَّهُ إِلَيْهِمْ يَوْمَ الْقِيَامَةِ وَلَا يُزَكِّيهِمْ وَلَهُمْ عَذَابٌ أَلِيمٌ: رَجُلٌ كَانَ لَهُ فَضْلٌ مَاءٍ بِالطَّرِيقِ فَمَنَعَهُ

something from him, he gets dissatisfied.

3. And a man displayed his goods for sale after the *Aṣr* prayer (and took a false oath by) saying, 'By Allāh, except Whom none has the right to be worshipped, I have been given so much for my goods,' and somebody believes him (and buys them)."

The Prophet ﷺ then recited: "Verily, those who purchase a small gain at the cost of Allāh's Covenant and their oaths..." (V.3:77)

مِنْ ابْنِ السَّبِيلِ، وَرَجُلٌ بَاعَ إِمَامَهُ لَا يُبَاعُهُ إِلَّا لِدُنْيَا فَإِنْ أُعْطَاهُ مِنْهَا رَضِيَ وَإِنْ لَمْ يُعْطِهِ مِنْهَا سَخِطَ، وَرَجُلٌ أَقَامَ سِلْعَتَهُ بَعْدَ الْعَصْرِ فَقَالَ: وَاللَّهِ الَّذِي لَا إِلَهَ غَيْرُهُ لَقَدْ أُعْطِيتُ بِهَا كَذًا وَكَذَا فَصَدَّقَهُ رَجُلٌ، ثُمَّ قَرَأَ ﴿إِنَّ الَّذِينَ يَشْتَرُونَ بِعَهْدِ اللَّهِ وَأَيْمَانِهِمْ ثَمَنًا قَلِيلًا﴾ [آل عمران: ٧٧]. [انظر: ٢٣٦٩،

٢٦٧٢، ٧٢١٢، ٧٤٤٦]

(6) CHAPTER. The dams of rivers.

2359, 2360. Narrated 'Abdullāh bin Az-Zubair رضي الله عنهما: An *Anṣārī* man quarrelled with Az-Zubair in the presence of the Prophet ﷺ about the *Ḥarra* canals which were used for irrigating the date-palms. The *Anṣārī* man said to Az-Zubair, "Let the water pass", but Az-Zubair refused to do so. So, the case was brought before the Prophet ﷺ who said to Az-Zubair, "O Zubair! Irrigate (your land) and then let the water pass to your neighbour." On that the *Anṣārī* got angry and said to the Prophet ﷺ, "Is it because he (i.e., Zubair) is your aunt's son?" On that the colour of the face of Allāh's Messenger ﷺ changed (because of anger) and he said, "O Zubair! Irrigate (your land) and then withhold the water till it reaches the walls between the pits round the trees." Zubair said, "By Allāh, I think that the following Verse was revealed on this occasion:

'But no, by your Lord, they can have no Faith, until they make you (O Muhammad ﷺ) judge in all disputes between them'." (V.4:65)

(٦) بَابُ سَكْرِ الْأَنْهَارِ

٢٣٥٩، ٢٣٦٠ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ يُوسُفَ: حَدَّثَنَا اللَّيْثُ قَالَ: حَدَّثَنِي ابْنُ شِهَابٍ، عَنْ عُرْوَةَ: عَنْ عَبْدِ اللَّهِ بْنِ الزُّبَيْرِ رَضِيَ اللَّهُ عَنْهُمَا: أَنَّهُ حَدَّثَهُ أَنَّ رَجُلًا مِنَ الْأَنْصَارِ خَاصَمَ الزُّبَيْرَ عِنْدَ النَّبِيِّ ﷺ فِي شِرَاجِ الْحَرَّةِ الَّتِي يَسْقُونَ بِهَا النَّخْلَ، فَقَالَ الْأَنْصَارِيُّ: سَرِّحِ الْمَاءَ يَمُرُّ فَأَبَى عَلَيْهِ، فَاخْتَصَمَا عِنْدَ النَّبِيِّ ﷺ، فَقَالَ رَسُولُ اللَّهِ ﷺ لِلزُّبَيْرِ: «اسْقِ يَا زُبَيْرُ ثُمَّ أَرْسِلِ الْمَاءَ إِلَى جَارِكَ»، فَعَضِبَ الْأَنْصَارِيُّ فَقَالَ: أَنْ كَانَ ابْنُ عَمَّتِكَ؟ فَتَلَوْنَ وَجْهَ رَسُولِ اللَّهِ ﷺ ثُمَّ قَالَ: «اسْقِ يَا زُبَيْرُ ثُمَّ احْبِسِ الْمَاءَ حَتَّى يَرْجِعَ إِلَى الْجَدْرِ». فَقَالَ الزُّبَيْرُ: وَاللَّهِ إِنِّي لَأَحْسِبُ هَذِهِ الْآيَةَ نَزَلَتْ فِي ذَلِكَ: ﴿فَلَا وَرَبِّكَ لَا يُؤْمِنُونَ حَتَّى يُحَكِّمُوكَ فِيمَا شَجَرَ

بَيْنَهُمْ ﴿ [النساء: ٦٥] قَالَ مُحَمَّدُ ابْنُ
الْعَبَّاسِ: قَالَ أَبُو عَبْدِ اللَّهِ: لَيْسَ أَحَدٌ
يَذْكُرُ عُرْوَةَ عَنْ عَبْدِ اللَّهِ إِلَّا اللَّيْثُ
فَقَطَّ. [انظر: ٢٣٦١، ٢٣٦٢، ٢٧٠٨،

[٤٥٨٥

(7) CHAPTER. The land nearer to the source of water has the right to be irrigated before the one that is farther.

2361. Narrated 'Urwa رضي الله عنه: When a man from the *Anṣār* quarrelled with Az-Zubair, the Prophet ﷺ said, "O Zubair! Irrigate (your land) first and then let the water flow (to the land of the others)." On that the *Anṣārī* said (to the Prophet ﷺ), "Is it because he is your aunt's son?" On that the Prophet ﷺ said, "O Zubair! Irrigate till the water reaches the walls between the pits around the trees and then stop (i.e., let the water go to the other's land)." I think the following Verse was revealed concerning this event:

'But no, by your Lord, they can have no Faith, until they make you (O Muhammad ﷺ) judge in all disputes between them.' (V.4:65)

(8) CHAPTER. The land nearer to the source of water has the right to be covered with water up to the ankles.

2362. Narrated 'Urwa bin Az-Zubair رضي الله عنه: An *Anṣārī* man quarrelled with Az-Zubair about a canal in the *Ḥarra* which was used for irrigating date-palms. Allāh's Messenger ﷺ, ordering Az-Zubair to be moderate, said, "O Zubair! Irrigate (your land) first and then leave the water for your neighbour." The *Anṣārī* said, "Is it because he is your aunt's son?" On that the colour of the face of Allāh's Messenger ﷺ changed (because of anger) and he said, "O Zubair!

(٧) بَابُ شُرْبِ الْأَعْلَى قَبْلَ الْأَسْفَلِ

٢٣٦١ - حَدَّثَنَا عَبْدَانُ: أَخْبَرَنَا
عَبْدُ اللَّهِ: أَخْبَرَنَا مَعْمَرٌ، عَنِ
الرُّهْرِيِّ، عَنْ عُرْوَةَ قَالَ: خَاصِمَ
الرُّبَيْرِ رَجُلًا مِنَ الْأَنْصَارِ فَقَالَ النَّبِيُّ
ﷺ: «يَا رُبَيْرُ، اسْقِ ثُمَّ أَرْسِلْ».
فَقَالَ الْأَنْصَارِيُّ: إِنَّهُ ابْنُ عَمَّتِكَ؟
فَقَالَ عَلَيْهِ السَّلَامُ: «اسْقِ يَا رُبَيْرُ
حَتَّى يَبْلُغَ الْجَدْرَ ثُمَّ امْسِكْ». قَالَ
الرُّبَيْرُ: فَأَحْسِبُ هَذِهِ الْآيَةَ نَزَلَتْ فِي
ذَلِكَ: ﴿فَلَا وَرَبِّكَ لَا يُؤْمِنُونَ حَتَّى
يُحْكَمُوا لَكَ فِيمَا شَجَرَ بَيْنَهُمْ﴾

[النساء: ٦٥]. [راجع: ٢٣٥٩]

(٨) بَابُ شُرْبِ الْأَعْلَى إِلَى الْكَعْبَيْنِ

٢٣٦٢ - حَدَّثَنَا مُحَمَّدٌ: أَخْبَرَنَا
مُحَمَّدُ بْنُ يَزِيدَ الْحَرَّانِيُّ قَالَ: أَخْبَرَنِي
ابْنُ جُرَيْجٍ قَالَ: حَدَّثَنِي ابْنُ شِهَابٍ،
عَنْ عُرْوَةَ بْنِ الرُّبَيْرِ أَنَّهُ حَدَّثَهُ: أَنَّ
رَجُلًا مِنَ الْأَنْصَارِ خَاصِمَ الرُّبَيْرِ فِي
شِرَاحٍ مِنَ الْحَرَّةِ لِيَسْقِيَ بِهَا النَّخْلَ.
فَقَالَ رَسُولُ اللَّهِ ﷺ: «اسْقِ يَا رُبَيْرُ -

Irrigate (your land) and withhold the water till it reaches the walls that are between the pits around the trees.” So, Allāh’s Messenger ﷺ gave Az-Zubair his full right. Az-Zubair said, “By Allāh, the following Verse was revealed in that connection :

‘But no, by your Lord, they can have no Faith, until they make you (O Muhammad ﷺ) judge in all disputes between them.’” (V.4:65)

(The subnarrator), Ibn Shihāb said to Juraj (another subnarrator), “The *Anṣār* and the other people interpreted the saying of the Prophet ﷺ: ‘Irrigate (your land) and withhold the water till it reaches the walls between the pits around the trees,’ as meaning up to the ankles.”

(9) CHAPTER. The superiority of providing water (to those who need it).

2363. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: Allāh’s Messenger ﷺ said, “While a man was walking he felt thirsty and went down a well and drank water from it. On coming out of it, he saw a dog panting and eating mud because of excessive thirst. The man said, ‘This (dog) is suffering from the same problem as that of mine. So he (went down the well), filled his shoe with water, caught hold of it with his teeth and climbed up and watered the dog. Allāh thanked him for his (good) deed and forgave him.” The people asked, “O Allāh’s Messenger! Is there a reward for us in serving (the) animals?” He replied, “Yes, there is a reward for serving any animate (living being).”

فَأَمَرَهُ بِالْمَعْرُوفِ - ثُمَّ أَرْسَلَهُ إِلَى جَارِكِ. فَقَالَ الْأَنْصَارِيُّ: أَنْ كَانَ ابْنُ عَمَّتِكَ؟ فَتَلَوْنَ وَجْهَ رَسُولِ اللَّهِ ﷺ ثُمَّ قَالَ: «اسْقِ تُمْ أَحْسِبُ حَتَّى يَرْجِعَ الْمَاءُ إِلَى الْجَدْرِ»، وَاسْتَوْعَى لَهُ حَقَّهُ. فَقَالَ الزُّبَيْرُ: وَاللَّهِ إِنَّ هَذِهِ الْآيَةَ أَنْزَلْتَ فِي ذَلِكَ: ﴿فَلَا وَرَبِّكَ لَا يُؤْمِنُونَ حَتَّى يُحَكِّمُوكَ فِيمَا شَجَرَ بَيْنَهُمْ﴾ فَقَالَ لِي ابْنُ شِهَابٍ: فَتَدَرَّتِ الْأَنْصَارُ وَالنَّاسُ قَوْلَ النَّبِيِّ ﷺ: «اسْقِ تُمْ أَحْسِبُ حَتَّى يَرْجِعَ إِلَى الْجَدْرِ» وَكَانَ ذَلِكَ إِلَى الْكَعْبَيْنِ.

[راجع: ٢٣٥٩]

(٩) بَابُ فَضْلِ سَقْيِ الْمَاءِ

٢٣٦٣ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ يُوسُفَ: أَخْبَرَنَا مَالِكٌ، عَنْ سُمَيِّ، عَنْ أَبِي صَالِحٍ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ: أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «بَيْنَا رَجُلٌ يَمْشِي فَاشْتَدَّ عَلَيْهِ الْعَطَشُ فَنَزَلَ بِئْرًا فَشَرِبَ مِنْهَا، ثُمَّ خَرَجَ فَإِذَا هُوَ بِكَلْبٍ يَلْهَثُ، يَأْكُلُ التُّرَى مِنْ الْعَطَشِ. فَقَالَ: لَقَدْ بَلَغَ هَذَا مِثْلُ الَّذِي بَلَغَ بَيْنِي فَمَلَأُ حُفَّتَهُ ثُمَّ أَمْسَكَهُ بِيَدِي، ثُمَّ رَفَعْتَنِي الْكَلْبَ فَشَكَرَ اللَّهُ لَهُ فَغَفَرَ لَهُ». قَالُوا: يَا رَسُولَ اللَّهِ، وَإِنْ لَنَا فِي الْبَهَائِمِ أَجْرًا؟ قَالَ: «فِي كُلِّ كَبِدٍ رَطْبَةٌ أَجْرٌ». تَابَعَهُ حَمَادُ بْنُ

سَلَمَةَ وَالرَّبِيعُ بْنُ مُسْلِمٍ، عَنْ مُحَمَّدِ بْنِ زِيَادٍ. [راجع: ١٧٣]

2364. Narrated Asmā' bint Abī Bakr رَضِيَ اللهُ عَنْهَا: The Prophet ﷺ offered the eclipse *Ṣalāt* (prayer), and then said, "Hell was displayed so close that I said, 'O my Lord! Am I going to be one of its inhabitants?' " Suddenly he saw a woman. I think he said, "...who was being scratched by a cat." He said, "What is wrong with her?" He was told, "She had imprisoned it (i.e., the cat) till it died of hunger."

٢٣٦٤ - حَدَّثَنَا ابْنُ أَبِي مَرْيَمَ: حَدَّثَنَا نَافِعُ بْنُ عُمَرَ، عَنِ ابْنِ أَبِي مَلِيكَةَ، عَنْ أَسْمَاءَ بِنْتِ أَبِي بَكْرٍ رَضِيَ اللهُ عَنْهُمَا: أَنَّ النَّبِيَّ ﷺ صَلَّى صَلَاةَ الْكُسُوفِ فَقَالَ: «دَنَّتْ مِنِّي النَّارُ حَتَّى قُلْتُ: أَيُّ رَبِّ وَأَنَا مَعَهُمْ. فَإِذَا امْرَأَةٌ - حَبَسْتُ أَنَّهُ قَالَ: - تَخْدِشُهَا هِرَّةٌ قَالَ: مَا شَأْنُ هَذِهِ؟ قَالُوا: حَبَسْتَهَا حَتَّى مَاتَتْ جُوعاً.» [راجع: ٧٤٥]

2365. Narrated 'Abdullāh bin 'Umar رَضِيَ اللهُ عَنْهُمَا: Allāh's Messenger ﷺ said, "A woman was tortured and was put in (Hell) Fire because of a cat which she had kept locked till it died of hunger." Allāh's Messenger ﷺ further said, "Allāh knows better. Allāh said (to the woman), 'You neither fed it nor watered it when you locked it up, nor did you set it free to eat the vermin of the earth.'"

٢٣٦٥ - حَدَّثَنَا إِسْمَاعِيلُ قَالَ: حَدَّثَنِي مَالِكٌ، عَنْ نَافِعٍ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ رَضِيَ اللهُ عَنْهُمَا: أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «عَذَّبْتُ امْرَأَةً فِي هِرَّةٍ حَبَسْتَهَا حَتَّى مَاتَتْ جُوعاً فَدَخَلْتُ فِيهَا النَّارَ، قَالَ: فَقَالَ - وَاللَّهِ أَعْلَمُ - : لَا أَنْتِ أَطْعَمْتَيْهَا وَلَا سَقَيْتَيْهَا حِينَ حَبَسْتَيْهَا، وَلَا أَنْتِ أَرْسَلْتَيْهَا فَأَكَلَتْ مِنْ حَشَّاشِ الْأَرْضِ.» [انظر: ٣٣١٨، ٣٤٨٢]

(10) CHAPTER. Whoever thinks that the owner of a tank, or of a leather water-container has more right to use the water than any other person.

(١٠) بَابُ مَنْ رَأَى أَنَّ صَاحِبَ الْحَوْضِ أَوْ الْقِرْبَةِ أَحَقُّ بِمَائِهِ

2366. Narrated Sahl bin Sa'd رَضِيَ اللهُ عَنْهُ: Once a tumbler (full of milk or water) was brought to Allāh's Messenger ﷺ who drank from it, while on his right side there was sitting a boy who was the youngest of those

٢٣٦٦ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا عَبْدُ الْعَزِيزِ، عَنْ أَبِي حَازِمٍ، عَنْ سَهْلِ بْنِ سَعْدٍ رَضِيَ اللهُ عَنْهُ قَالَ: أَتَى رَسُولُ

who were present, and on his left side there were old men. The Prophet ﷺ asked, "O boy! Do you allow me to give (the drink) to the elder people (first)?" The boy said, "I will not give preference to anybody over me to have my share from you, O Allāh's Messenger!" So, he gave it to the boy.

الله ﷺ بَقَدَحَ فَشَرِبَ وَعَنْ يَمِينِهِ غُلامٌ هُوَ أَحَدُ الْقَوْمِ، وَالْأَشْيَاحُ عَنْ يَسَارِهِ، قَالَ: «يَا غُلامُ، أَتَأْذَنُ لِي أَنْ أُعْطِيَ الْأَشْيَاحَ؟» فَقَالَ: مَا كُنْتُ لِأَوْثَرٍ بَنَصِيبِي مِنْكَ أَحَدًا يَا رَسُولَ اللَّهِ، فَأَعْطَاهُ إِيَّاهُ.

[راجع: ٢٣٥١]

2367. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: The Prophet ﷺ said, "By Him in Whose Hands my soul is, some people will be driven away from my Tank [*Haud (Al-Kauthar)*] on the Day of Resurrection as strange camels are driven away from a private tank (trough)."

٢٣٦٧ - حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ: حَدَّثَنَا غُنْدَرٌ: حَدَّثَنَا شُعْبَةُ، عَنْ مُحَمَّدِ بْنِ زِيَادٍ: سَمِعْتُ أَبَا هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ، عَنِ النَّبِيِّ ﷺ قَالَ: «وَالَّذِي نَفْسِي بِيَدِهِ لَأُذَوِّدَنَّ رِجَالًا عَنْ حَوْضِي كَمَا تُذَادُ الْعَرَبِيَّةُ مِنَ الْإِبِلِ عَنِ الْحَوْضِ».

2368. Narrated Ibn 'Abbās رَضِيَ اللهُ عَنْهُمَا: The Prophet ﷺ said, "May Allāh be Merciful to the mother of Isma'il (Ishmael)! If she had left the water of Zamzam (fountain) as it was, (without constructing a basin for keeping the water), (or said, "If she had not taken handfuls of its water"), it would have been a flowing stream. Jurhum (an Arab tribe) came and asked her, 'May we settle at your dwelling?' She said, 'Yes, but you have no right to possess the water.' They agreed."

٢٣٦٨ - حَدَّثَنِي عَبْدُ اللَّهِ بْنُ مُحَمَّدٍ: أَخْبَرَنَا عَبْدُ الرَّزَّاقِ: أَخْبَرَنَا مَعْمَرٌ، عَنْ أَيُّوبَ وَكَثِيرِ بْنِ كَثِيرٍ، يَزِيدُ أَحَدُهُمَا عَلَى الْآخَرِ، عَنْ سَعِيدِ بْنِ جُبَيْرٍ قَالَ: قَالَ ابْنُ عَبَّاسٍ رَضِيَ اللهُ عَنْهُمَا: قَالَ النَّبِيُّ ﷺ: «يَرْحَمُ اللهُ أُمَّ إِسْمَاعِيلَ، لَوْ تَرَكَتْ زَمْزَمَ - أَوْ قَالَ: لَوْ لَمْ تَعْرِفِ مِنَ الْمَاءِ - لَكَانَتْ عَيْنًا مَعِينًا. وَأُقْبِلَ جُرْهُمُ فَقَالُوا: أَتَأْذِنِينَ أَنْ نَنْزِلَ عِنْدِكِ؟ قَالَتْ: نَعَمْ وَلَا حَقَّ لَكُمْ فِي الْمَاءِ، قَالُوا: نَعَمْ». [انظر: ٣٣٦٢، ٣٣٦٣،

[٣٣٦٥، ٣٣٦٤]

2369. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: The Prophet ﷺ said, "There are three types

٢٣٦٩ - حَدَّثَنِي عَبْدُ اللَّهِ بْنُ

of people whom Allāh will neither speak to them, nor look at them, on the Day of Resurrection. (They are):

1. A man who takes an oath falsely that he has been offered for his goods so much more than what he is given,
2. A man who takes a false oath after the *Aṣr* (prayer) in order to grab a Muslim's property, and
3. A man who withholds his superfluous water. Allāh will say to him, "Today I will withhold My Grace from you as you withheld the superfluity of what you had not created."

مُحَمَّدٍ: حَدَّثَنَا سُفْيَانُ، عَنْ عَمْرٍو، عَنْ أَبِي صَالِحِ السَّمَّانِ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ عَنِ النَّبِيِّ ﷺ قَالَ: «ثَلَاثَةٌ لَا يُكَلِّمُهُمُ اللَّهُ يَوْمَ الْقِيَامَةِ وَلَا يُنْظَرُ إِلَيْهِمْ: رَجُلٌ حَلَفَ عَلَى سِلْعَةٍ لَقَدْ أُعْطِيَ بِهَا أَكْثَرَ مِمَّا أُعْطِيَ وَهُوَ كَاذِبٌ، وَرَجُلٌ حَلَفَ عَلَى يَمِينٍ كَاذِبَةٍ بَعْدَ الْعَصْرِ لِيَمْتَطِعَ بِهَا مَالَ رَجُلٍ مُسْلِمٍ، وَرَجُلٌ مَنَعَ فَضْلَ مَا فِيهِ فَيَقُولُ اللَّهُ: الْيَوْمَ أَمْنَعُكَ فَضْلِي كَمَا مَنَعْتَ فَضْلَ مَا لَمْ تَعْمَلْ يَدَاكَ». قَالَ عَلِيُّ: حَدَّثَنَا سُفْيَانُ غَيْرَ مَرَّةٍ، عَنْ عَمْرٍو: سَمِعَ أَبَا صَالِحٍ يُبَلِّغُ بِهِ النَّبِيَّ ﷺ. [راجع: ٢٣٥٨]

(11) CHAPTER. No *Himā* (private pasture) except according to what Allāh and His Messenger ﷺ did.⁽¹⁾

2370. Narrated As-Sa'b bin Jaththāma: Allāh's Messenger ﷺ said, "No *Himā*⁽²⁾ except for Allāh and His Messenger ﷺ⁽³⁾. We have been told that Allāh's Messenger ﷺ made a place called An-Naqī as *Hima*, and 'Umar made *Ash-Sharaf* and *Ar-Rabadha Himā* (for grazing the animals of *Zakāt*).

(١١) بَابُ: لَا حِمَى إِلَّا لِلَّهِ وَلِرَسُولِهِ ﷺ

٢٣٧٠ - حَدَّثَنَا يَحْيَى بْنُ بُكَيْرٍ: حَدَّثَنَا اللَّيْثُ، عَنْ يُوسُفَ، عَنِ ابْنِ شِهَابٍ، عَنْ عُبَيْدِ اللَّهِ بْنِ عَبْدِ اللَّهِ بْنِ عُتْبَةَ، عَنِ ابْنِ عَبَّاسٍ رَضِيَ اللَّهُ عَنْهُمَا: أَنَّ الصَّعْبَ بْنَ جَثَّامَةَ قَالَ:

- (1) (Ch. 11) This means that the *Imām* has the right to assign certain pastures for certain purposes (e.g., for grazing the animals of the *Zakāt*). Nobody would then have the right to use the pastures for other purposes. (*Fath Al-Bārī*)
- (2) (H. 2370) The origin of this word is that when an Arab chief came to a certain place suitable for pasturing, he would let his dog bark at a high place. The area across which the sound of the dog spread would be a private pasture for the chief's cattle, and nobody else would have the right to graze his cattle in it. So *Hima* means a private pasture, originally belonging to nobody, and nobody is allowed to cultivate it, but it is kept for grazing private animals. (*Fath Al-Bārī*)
- (3) (H. 2370) Allāh's Messenger ﷺ and the Muslim leaders only have the right to keep pastures of this sort; no individual has the right to keep *Hima* for his personal good as the Arabs used to do in the Pre-Islāmic Period of Ignorance. (*Ibid.*)

إِنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «لَا حِمَى إِلَّا لِلَّهِ وَلِرَسُولِهِ». وَقَالَ: بَلَّغْنَا أَنَّ النَّبِيَّ ﷺ حَمَى النَّقِيعَ وَأَنَّ عُمَرَ حَمَى الشَّرَفَ وَالرَّبِذَةَ. [انظر: ٣٠١٣]

(12) CHAPTER. Drinking water by people and watering animals from the rivers.

(١٢) بَابُ شُرْبِ النَّاسِ وَسَقْيِ الدَّوَابِّ مِنَ الْأَنْهَارِ

2371. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: Allāh's Messenger ﷺ said, "Keeping horses may be a source of reward to some (men), a shelter to another (i.e., means of earning one's living), or a burden to a third⁽¹⁾. He, to whom the horse will be a source of reward is the one who keeps it in Allāh's Cause (prepare it for holy battles) and ties it by a long rope in a pasture (or a garden). He will get a reward equal to what its long rope allows it to eat in the pasture or the garden, and if that horse breaks its rope and crosses one or two hills, then all its foot-steps and its dung will be counted as good deeds for its owner; and if it passes by a river and drinks from it, then that will also be regarded as a good deed for its owner even if he has had no intention of watering it then. Horses are a shelter from poverty to the second person who keeps horses for earning his living so as not to ask others, and at the same time he gives Allāh's Right (i.e., *Zakāt*) (from the wealth he earns through using them in trading etc.), and does not overburden them. He who keeps horses just out of pride and for showing off and as a means of harming the Muslims, his horses will be a source of sins to him."

When Allāh's Messenger ﷺ was asked

٢٣٧١ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ يُوسُفَ: أَخْبَرَنَا مَالِكُ بْنُ أَنَسٍ، عَنْ زَيْدِ بْنِ أَسْلَمَ؛ عَنْ أَبِي صَالِحِ السَّمَّانِ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ: أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «الْخَيْلُ لِرَجُلٍ أَجْرٌ، وَلِرَجُلٍ سِتْرٌ، وَعَلَى رَجُلٍ وَزْرٌ. فَأَمَّا الَّذِي لَهُ أَجْرٌ فَرَجُلٌ رَبَطَهَا فِي سَبِيلِ اللَّهِ فَأَطَالَ لَهَا فِي مَرْجٍ أَوْ رَوْضَةٍ، فَمَا أَصَابَتْ فِي طِيلِهَا ذَلِكَ مِنَ الْمَرْجِ أَوْ الرَّوْضَةِ كَانَتْ لَهُ حَسَنَاتٍ وَلَوْ أَنَّهُ انْقَطَعَ طِيلُهَا فَاسْتَنْتَّ شَرْفًا أَوْ شَرْفَيْنِ كَانَتْ آثَارُهَا وَأَزْوَائُهَا حَسَنَاتٍ لَهُ. وَلَوْ أَنَّهَا مَرَّتْ بِنَهْرٍ فَشَرِبَتْ مِنْهُ وَلَمْ يَرِدْ أَنْ يَسْقِيَ كَانَ ذَلِكَ حَسَنَاتٍ لَهُ، فَهِيَ لِذَلِكَ أَجْرٌ. وَرَجُلٌ رَبَطَهَا تَعْنِيًا وَتَعَفُّفًا ثُمَّ لَمْ يَنْسَ حَقَّ اللَّهِ فِي رِقَابِهَا وَلَا ظَهْرِهَا فَهِيَ لِذَلِكَ سِتْرٌ. وَرَجُلٌ رَبَطَهَا فَخَرًّا وَرِيَاءً وَنِيوَاءً لِأَهْلِ

(1) (H. 2371) Horses are kept as a means of conveyance or for commercial purposes. One may use them in the way that pleases Allāh and gets a reward for his obedience, another may use them in disobeying Allāh and is consequently punished, and still another may use them just for earning his living. (*Qasṭalānī*)

about donkeys, he replied, "Nothing particular was revealed to me regarding them except this general unique Verse which is applicable to everything:

'So whosoever does good equal to the weight of an atom (or a small ant), shall see it. And whosoever does evil equal to the weight of an atom (or a small ant), shall see it'."(1)

2372. Narrated Zaid bin K̄halīd رضي الله عنه: A man came to Allāh's Messenger ﷺ and asked about *Al-Luqaṭa* (a fallen thing). The Prophet ﷺ said, "Recognise its container and its tying material and then make public announcement about it for one year and if its owner shows up, give it to him; otherwise use it as you like." The man said, "What about a lost sheep?" The Prophet ﷺ said, "It is for you, your brother or the wolf."(2) The man asked "What about a lost camel?" The Prophet ﷺ said, "Why should you take it as it has got its water-container (its stomach) and its hooves and it can reach the places of water and can eat the trees till its owner finds it?"(3)

(13) CHAPTER. The selling of wood and grass.

2373. Narrated Az-Zubair bin Al-

الإسلام، فُهِبَ عَلَى ذَلِكَ وِزْرًا. وَسُئِلَ رَسُولُ اللَّهِ ﷺ عَنِ الْحُمْرِ، فَقَالَ: «مَا أُنْزِلَ عَلَيَّ فِيهَا شَيْءٌ إِلَّا هَذِهِ الْآيَةُ الْجَامِعَةُ الْفَاعِدَةُ: ﴿فَمَنْ يَعْمَلْ مِثْقَالَ ذَرَّةٍ خَيْرًا يَرَهُ﴾ (٧) وَمَنْ يَعْمَلْ مِثْقَالَ ذَرَّةٍ شَرًّا يَرَهُ﴾ (٨).

[انظر: ٢٨٦٠، ٣٦٤٦، ٤٩٦٢، ٤٩٦٣،

[٧٣٥٦

٢٣٧٢ - حَدَّثَنَا إِسْمَاعِيلُ: حَدَّثَنَا مَالِكٌ عَنْ رَبِيعَةَ بْنِ أَبِي عَبْدِ الرَّحْمَنِ، عَنْ يَزِيدَ مَوْلَى الْمُتَّبِعِثِ، عَنْ زَيْدِ بْنِ خَالِدِ الْجُهَنِيِّ رَضِيَ اللَّهُ عَنْهُ قَالَ: جَاءَ رَجُلٌ إِلَى رَسُولِ اللَّهِ ﷺ فَسَأَلَهُ عَنِ اللَّقْطَةِ فَقَالَ: «اعْرِفْ عِفَاصَهَا وَوِكَاءَهَا، ثُمَّ عَرِّفْهَا سَنَةً، فَإِنْ جَاءَ صَاحِبُهَا وَإِلَّا فَسَاطَنُكَ بِهَا». قَالَ: فَضَالَةُ الْغَنَمِ؟ قَالَ: «هِيَ لَكَ أَوْ لِأَخِيكَ أَوْ لِلذَّبِّ»، قَالَ: فَضَالَةُ الْإِبِلِ؟ قَالَ: «مَا لَكَ وَلَهَا؟» مَعَهَا سِقَاؤُهَا وَجَدَاؤُهَا، تَرُدُّ الْمَاءَ وَتَأْكُلُ الشَّجَرَ حَتَّى يَلْقَاهَا رَبُّهَا». [راجع: ٩١]

(١٣) بَابُ بَيْعِ الْحَطَبِ وَالْكَلِّ

٢٣٧٣ - حَدَّثَنَا مُعَلَّى بْنُ أَسَدٍ:

- (1) (H. 2371) This means that if one treats his donkeys kindly and does not overburden them, he will be rewarded for that in the Hereafter, and if he does the opposite, he will gain the fruit of his ill-behaviour. (*Qaṣṭalānī*)
- (2) (H. 2372) It is for you if its owner does not show up, or for its owner if he shows up, or for the wolf to eat if you leave it and its owner does not find it.
- (3) (H. 2372) The Prophet ﷺ forbids the man from taking the lost camel because it can stay in the desert for a long period without any danger. It is like a well-provided traveller; it can reach its destination.

‘Awwām عَنْهُ اللهُ: رَضِيَ اللهُ عَنْهُ The Prophet ﷺ said, “No doubt, one had better take a rope (and cut) and tie a bundle of wood and sell it whereby Allāh will keep his face away (from Hell-fire) rather than ask others who may give him or not.”

حَدَّثَنَا وَهَيْبٌ، عَنْ هِشَامٍ، عَنْ أَبِيهِ،
عَنِ الزُّبَيْرِ بْنِ الْعَوَّامِ رَضِيَ اللهُ عَنْهُ
عَنِ النَّبِيِّ ﷺ قَالَ: «لَأَنْ يَأْخُذَ
أَحَدُكُمْ أَحْبَلًا فَيَأْخُذَ حُزْمَةً مِنْ حَطَبٍ
فَيَبِيعَ فَيَكْفَى اللهُ بِهَا وَجْهَهُ خَيْرٌ مِنْ
أَنْ يَسْأَلَ النَّاسَ أُعْطِيَ أَمْ مُنِعَ».

[راجع: ١٤٧١]

2374. Narrated Abū Hurairah عَنْهُ اللهُ: رَضِيَ اللهُ عَنْهُ Allāh’s Messenger ﷺ said, “No doubt, it is better for anyone of you to cut a bundle of wood and carry it over his back (and earn his living thereby) rather than to ask somebody who may or may not give him.” (See H. 2074).

٢٣٧٤ - حَدَّثَنَا يَحْيَى بْنُ بُكَيْرٍ:
حَدَّثَنَا اللَّيْثُ، عَنْ عَقِيلٍ، عَنِ ابْنِ
شِهَابٍ، عَنْ أَبِي عُبَيْدٍ مَوْلَى عَبْدِ
الرَّحْمَنِ ابْنِ عَوْفٍ: أَنَّهُ سَمِعَ أَبَا
هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ يَقُولُ: قَالَ
رَسُولُ اللهِ ﷺ: «لَأَنْ يَحْتَطِبَ أَحَدُكُمْ
حُزْمَةً عَلَى ظَهْرِهِ خَيْرٌ لَهُ مِنْ أَنْ يَسْأَلَ
أَحَدًا فَيُعْطِيَهُ أَوْ يَمْنَعَهُ».

[راجع: ١٤٧٠]

2375. Narrated Ḥusain bin ‘Alī رَضِيَ اللهُ عَنْهُ ‘Alī bin Abī Ṭālib عَنْهُ اللهُ said, “I got a she-camel as my share of the war booty on the day (of the battle) of Badr, and Allāh’s Messenger ﷺ gave me another she-camel. I let both of them kneel at the door of one of the *Anṣār*, intending to carry *Idhīkhīr* on them to sell it and use its price for my wedding banquet on marrying Fāṭima. A goldsmith from Banī Qainuqā’ was with me. Ḥamza bin ‘Abdul-Muṭṭalib was in that house drinking wine and a lady singer was reciting:

‘O Ḥamza! (Kill) the (two) fat old she-camels (and serve them to your guests).’

So Ḥamza took his sword and went towards the two she-camels and cut off their humps and opened their flanks and took a part of their livers.” (I said to Ibn Shihāb,

٢٣٧٥ - حَدَّثَنَا إِبْرَاهِيمُ بْنُ
مُوسَى: أَخْبَرَنَا هِشَامٌ: أَنَّ ابْنَ جُرَيْجٍ
أَخْبَرَهُمْ قَالَ: أَخْبَرَنِي ابْنُ شِهَابٍ،
عَنْ عَلِيِّ بْنِ حُسَيْنِ بْنِ عَلِيٍّ، عَنْ أَبِيهِ
حُسَيْنِ بْنِ عَلِيٍّ، عَنْ أَبِيهِ عَلِيِّ ابْنِ
أَبِي طَالِبٍ رَضِيَ اللهُ عَنْهُمُ أَنَّهُ قَالَ:
أَصَبْتُ شَارِفًا مَعَ رَسُولِ اللهِ ﷺ فِي
مَعْتَمٍ يَوْمَ بَدْرٍ، قَالَ: وَأَعْطَانِي رَسُولُ
اللهِ ﷺ شَارِفًا أُخْرَى فَأَنْحَتُهُمَا يَوْمًا
عِنْدَ بَابِ رَجُلٍ مِنَ الْأَنْصَارِ وَأَنَا أُرِيدُ
أَنْ أَحْمِلَ عَلَيْهِمَا إِذْخِرًا لِأَبِيَعُهُ وَمَعِيَ
صَائِعٌ مِنْ بَنِي قَيْنِقَاعٍ فَاسْتَعِينَ بِهِ عَلَى

“Did he take part of the humps?” He replied, “He cut off their humps and carried them away.”) ‘Ali رضي الله عنه further said, “When I saw that dreadful sight, I went to the Prophet ﷺ and told him the news. The Prophet ﷺ came out in the company of Zaid bin Hāritha who was with him then, and I, too, went with them. He went to Ḥamza and spoke harshly to him. Ḥamza looked up and said, ‘Aren’t you only the slaves of my forefathers?’ The Prophet ﷺ retreated and went out. This incident happened before the prohibition of drinking (alcoholic drinks).”

وَلَيْمَةَ فَاطِمَةَ، وَحَمْرَةَ ابْنِ عَبْدِ الْمُطَّلِبِ يَشْرَبُ فِي ذَلِكَ الْبَيْتِ مَعَهُ قَيْنَةٌ، فَقَالَتْ: أَلَا يَا حَمْرَ لِلشَّرِيفِ النَّوَاءِ، فَتَارَ إِلَيْهِمَا حَمْرَةَ بِالسَّنْفِ فَجَبَّ أَسْنِمَتَهُمَا وَبَقَرَ حَوَاصِرَهُمَا ثُمَّ أَخَذَ مِنْ أَكْبَادِهِمَا، قُلْتُ لِابْنِ شِهَابٍ: وَمِنَ السَّنَامِ؟ قَالَ: قَدْ جَبَّ أَسْنِمَتَهُمَا فَذَهَبَ بِهَا. قَالَ ابْنُ شِهَابٍ: قَالَ عَلِيٌّ رَضِيَ اللَّهُ عَنْهُ: فَظَنَرْتُ إِلَى مَنْظَرٍ أَفْطَعَنِي فَأَتَيْتُ نَبِيَّ اللَّهِ ﷺ وَعِنْدَهُ زَيْدُ بْنُ حَارِثَةَ فَأَخْبَرْتُهُ الْحَبَرَ، فَخَرَجَ وَمَعَهُ زَيْدٌ فَانْطَلَقْتُ مَعَهُ فَدَخَلْتُ عَلَى حَمْرَةَ فَتَعَيَّظَ عَلَيْهِ فَرَفَعَ حَمْرَةَ بَصْرَهُ وَقَالَ: هَلْ أَنْتُمْ إِلَّا عِبِيدٌ لِأَبَائِي؟ فَرَجَعَ رَسُولُ اللَّهِ ﷺ يُقَهِّرُ حَتَّى خَرَجَ عَنْهُمْ وَذَلِكَ قَبْلَ تَحْرِيمِ الْحَمْرِ. [راجع: ٢٠٨٩]

(14) CHAPTER. The uncultivated pieces of land (granted by the ruler to some individuals).

2376. Narrated Anas رضي الله عنه: The Prophet ﷺ decided to grant a portion of (the uncultivated land of) Bahrain to the Anṣār. The Anṣār said, “(We will not accept it) till you give a similar portion to our emigrant brothers (from Quraish).” He said, “(O Anṣār!) You will soon see people giving preference to others, so remain patient till you meet me (on the Day of Resurrection).”⁽¹⁾

(١٤) بَابُ الْقَطَائِعِ

٢٣٧٦ - حَدَّثَنَا سُلَيْمَانُ بْنُ حَرْبٍ: حَدَّثَنَا حَمَادُ بْنُ زَيْدٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ قَالَ: سَمِعْتُ أَنَسًا رَضِيَ اللَّهُ عَنْهُ قَالَ: أَرَادَ رَسُولُ اللَّهِ ﷺ أَنْ يُقْطَعَ مِنَ الْبَحْرَيْنِ فَقَالَتْ الْأَنْصَارُ: حَتَّى تُقْطَعَ لِإِخْوَانِنَا مِنَ الْمُهَاجِرِينَ مِثْلَ الَّذِي تُقْطَعُ لَنَا،

(1) (H. 2376) This prophecy was a sign of the Prophethood of Allāh’s Messenger ﷺ. It came true that the Quraish kings had the source of wealth and power in their hands. The Prophet ﷺ tells the Anṣār to be patient and wait for a great reward in the Hereafter as a compensation for the pleasures they would miss in this life.

قَالَ: «سَتَرُونَ بَعْدِي أَثَرَةَ فَاضِرُوا حَتَّى تَلْقَوْنِي». [انظر: ٢٣٧٧، ٣١٦٣،

[٣٧٩٤

(15) CHAPTER. Documentation of the land grants.

2377. Narrated Anas رَضِيَ اللهُ عَنْهُ: The Prophet ﷺ called the *Anṣār* so as to grant them a portion of (the land of) Baḥrain. They said, "O Allāh's Messenger! If you grant this to us, write a similar document to our Quraish (emigrant) brothers." But the Prophet ﷺ did not have enough grants and he said, "After me you will see the people giving preference (to others), so be patient till you meet me."⁽¹⁾

(١٥) بَابُ كِتَابَةِ الْقَطَائِعِ

٢٣٧٧ - وَقَالَ اللَّيْثُ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ أَنَسِ رَضِيَ اللهُ عَنْهُ: دَعَا النَّبِيُّ ﷺ الْأَنْصَارَ لِيُقْطَعَ لَهُمْ بِالْبَحْرَيْنِ فَقَالُوا: يَا رَسُولَ اللهِ، إِنْ فَعَلْتَ فَانْكُتُبْ لِإِخْوَانِنَا مِنْ قُرَيْشٍ بِمِثْلِهَا. فَلَمْ يَكُنْ ذَلِكَ عِنْدَ النَّبِيِّ ﷺ، فَقَالَ: «سَتَرُونَ بَعْدِي أَثَرَةَ فَاضِرُوا حَتَّى تَلْقَوْنِي». [راجع:

[٢٣٧٦

(16) CHAPTER. Milking she-camels at water places.

2378. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: The Prophet ﷺ said, "One of the rights of a she-camel is that it should be milked at a place of water."

(١٦) بَابُ حَلْبِ الْإِبِلِ عَلَى الْمَاءِ

٢٣٧٨ - حَدَّثَنَا إِبْرَاهِيمُ بْنُ الْمُنْذِرِ: حَدَّثَنَا مُحَمَّدُ بْنُ فُلَيْحٍ قَالَ: حَدَّثَنِي أَبِي عَنْ هِلَالِ بْنِ عَلِيٍّ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ أَبِي عَمْرَةَ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ، عَنِ النَّبِيِّ ﷺ قَالَ: «مِنْ حَقِّ الْإِبِلِ أَنْ تُحَلَبَ عَلَى الْمَاءِ». [راجع: ١٤٠٢

(17) CHAPTER. One may have the right to pass through a garden or to have a share in date-palms.

The Prophet ﷺ said, "If somebody sells date-palms after pollinating them, their fruits will be for him and he has the right to enter

(١٧) بَابُ الرَّجُلِ يَكُونُ لَهُ مَمَرٌ أَوْ شَرِبٌ فِي حَائِطٍ أَوْ فِي نَخْلٍ؟ وَقَالَ النَّبِيُّ ﷺ: «مَنْ بَاعَ نَخْلًا بَعْدَ أَنْ تُؤَبَّرَ فَمَرَّتْهَا لِلْبَائِعِ، وَلِلْبَائِعِ

(1) (Ch. 2377) Perhaps the grants given to the *Anṣār* were land grants or money grants from the *Jizya* tax levied from that land. The Prophet ﷺ could not assign similar grants to the emigrants, perhaps because there were not many conquests then. (*Qaṣṭalānī*)

the garden and irrigate the date-palms till he reaps the fruits. The owner of 'Ariya has a similar right."

2379. Narrated 'Abdullāh رَضِيَ اللهُ عَنْهُ: Allāh's Messenger ﷺ said, "If somebody buys date-palms after they have been pollinated, the fruits will belong to the seller unless the buyer stipulates the contrary. If somebody buys a slave having some property, the property will belong to the seller unless the buyer stipulates that it should belong to him."

2380. Narrated Zaid bin Thābit رَضِيَ اللهُ عَنْهُ: The Prophet ﷺ permitted selling the dates of the 'Arāyā for ready dates by estimating the amount of the former (as they are still on the trees).

2381. Narrated Jābir bin 'Abdullāh رَضِيَ اللهُ عَنْهُ: The Prophet ﷺ forbade the sales called *Al-Muḥābāra*, *Al-Muḥāqala* and *Al-Muzābana* and the selling of fruits till they are free from blights. He forbade the selling of the fruits except for money, except the 'Arāyā.

2382. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: The Prophet ﷺ allowed the sale of the dates

الْمَمَرِّ وَالسَّقِي حَتَّى يَرْفَعَ وَكَذَلِكَ رَبُّ الْعَرِيَّةِ».

٢٣٧٩ - أَخْبَرَنَا عَبْدُ اللَّهِ بْنُ يُوسُفَ: حَدَّثَنَا اللَّيْثُ: حَدَّثَنِي ابْنُ شِهَابٍ، عَنْ سَالِمِ بْنِ عَبْدِ اللَّهِ، عَنْ أَبِيهِ رَضِيَ اللَّهُ عَنْهُ قَالَ: سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ: «مَنْ ابْتَاعَ نَخْلًا بَعْدَ أَنْ تُؤَبَّرَ فَنَمَرَتْهَا لِلْبَائِعِ إِلَّا أَنْ يَشْتَرِطَ الْمُبْتَاعُ، وَمَنْ ابْتَاعَ عَبْدًا وَلَهُ مَالٌ فَمَالُهُ لِلَّذِي بَاعَهُ إِلَّا أَنْ يَشْتَرِطَ الْمُبْتَاعُ». [راجع: ٢٢٠٣]

وَعَنْ مَالِكٍ، عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ، عَنْ عُمَرَ فِي الْعَبْدِ.

٢٣٨٠ - حَدَّثَنَا مُحَمَّدُ بْنُ يُوسُفَ: حَدَّثَنَا سُفْيَانُ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ، عَنْ زَيْدِ بْنِ ثَابِتٍ رَضِيَ اللَّهُ عَنْهُمْ قَالَ: رَخَّصَ النَّبِيُّ ﷺ أَنْ تُبَاعَ الْعَرَايَا بِخَرْصِهَا تَمْرًا. [راجع: ٢١٧٣]

٢٣٨١ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ مُحَمَّدٍ: حَدَّثَنَا ابْنُ عُيَيْنَةَ، عَنِ ابْنِ جُرَيْجٍ، عَنْ عَطَاءٍ: سَمِعَ جَابِرَ بْنَ عَبْدِ اللَّهِ رَضِيَ اللَّهُ عَنْهُمَا: نَهَى النَّبِيُّ ﷺ عَنِ الْمُحَابَرَةِ وَالْمُحَاقَلَةِ، وَعَنِ الْمَزَابِنَةِ، وَعَنْ بَيْعِ الثَّمَرِ حَتَّى يَبْدُوَ صِلَاحُهُ. وَأَنْ لَا تُبَاعَ إِلَّا بِالْذِّينَارِ وَالذَّرْهِمِ إِلَّا الْعَرَايَا. [راجع: ١٤٨٧]

٢٣٨٢ - حَدَّثَنَا يَحْيَى بْنُ قَرْعَةَ:

of the 'Arāyā for ready dates by estimating the former which should be estimated as less than five *Awsuq* or five *Awsuq*. (Dawūd, the subnarrator is not sure as to the right amount.)⁽¹⁾

2383, 2384. Narrated Rāfi' bin Khadīj and Sahl bin Abī Hathma رَضِيَ اللهُ عَنْهُمَا: Allāh's Messenger ﷺ forbade the sale of *Muzābana*, i.e., selling of fruits for fruits, except in the case of 'Arāyā; he allowed the owners of 'Arāyā such kind of sale.

حَدَّثَنَا مَالِكٌ، عَنْ دَاوُدَ بْنِ حُصَيْنٍ، عَنْ أَبِي سُفْيَانَ مَوْلَى ابْنِ أَبِي أَحْمَدَ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ قَالَ: رَخَّصَ النَّبِيُّ ﷺ فِي بَيْعِ الْعَرَايَا بِخَرَصِهَا مِنَ الثَّمَرِ فِيمَا دُونَ خَمْسَةِ أَوْسُقٍ - أَوْ فِي خَمْسَةِ أَوْسُقٍ، شَكَّ دَاوُدُ فِي ذَلِكَ - . [راجع: ٢١٩]

٢٣٨٣، ٢٣٨٤ - حَدَّثَنَا زَكَرِيَّا بْنُ يَحْيَى: حَدَّثَنَا أَبُو أُسَامَةَ قَالَ: أَخْبَرَنِي الْوَلِيدُ بْنُ كَثِيرٍ قَالَ: أَخْبَرَنِي بُشَيْرُ بْنُ يَسَارٍ مَوْلَى بَنِي حَارِثَةَ: أَنَّ رَافِعَ بْنَ خَدِيجٍ وَسَهْلَ بْنَ أَبِي حَنْمَةَ حَدَّثَاهُ: «أَنَّ رَسُولَ اللَّهِ ﷺ نَهَى عَنِ الْمُرَابَنَةِ: بَيْعِ الثَّمَرِ بِالثَّمَرِ، إِلَّا أَصْحَابَ الْعَرَايَا فَإِنَّهُ أَذِنَ لَهُمْ». قَالَ: وَقَالَ ابْنُ إِسْحَاقَ: حَدَّثَنِي بُشَيْرٌ مِثْلَهُ. [راجع: ٢١٩]

(1) (H. 2382) Since there is doubt about the limits of estimation, less than five *Awsuq* is regarded as the legal amount; five *Awsuq* or more is regarded as illegal. (*Qasṭalānī*).